

**TOWN OF DEDHAM  
ZONING BOARD OF APPEALS  
26 BRYANT STREET, DEDHAM, MASSACHUSETTS 02026**



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PHONE 781-751-9242 • FAX 781-751-9225 • [swebster@dedham-ma.gov](mailto:swebster@dedham-ma.gov)

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**DECISION**

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<b>APPLICANT:</b>	<b>Nicholas Vecchio/Band Gig School of Music</b>
<b>PROJECT ADDRESS:</b>	<b>66 Eastern Avenue</b>
<b>PROPERTY OWNER:</b>	Nicholas Vecchio
<b>CASE #:</b>	VAR-03-12-1504
<b>MAP/LOT:</b>	109/5
<b>ZONING DISTRICT:</b>	Highway Business
<b>DATE OF APPLICATION:</b>	March 13, 2012
<b>DATE OF HEARING:</b>	April 25, 2012
<b>MEMBERS PRESENT AND VOTING:</b>	James F. McGrail, Esq., J. Gregory Jacobsen, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E., J.H. Rumpp, AICP
<b>APPLICANT REPRESENTATIVE:</b>	Nicholas Vecchio
<b>PETITION:</b>	Waiver from the Town of Dedham Sign Code to be allowed a free-standing sign with a four (4) foot front yard setback
<b>SECTION OF SIGN CODE:</b>	<i>Town of Dedham Sign Code Dimensional Table 2</i>
<b>DATE OF FILING WITH TOWN CLERK:</b>	<b>MAY 17, 2012</b>

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The Town of Dedham, Massachusetts Zoning Board of Appeals (hereinafter, "ZBA") held Public Hearings on Wednesday, April 25, 2012, in the Lower Conference Room, Town Hall, 26 Bryant Street, Dedham, MA. Present were members of the Zoning Board of Appeals James F. McGrail, Esq., Chairman, J. Gregory Jacobsen, E. Patrick Maguire, and Jason L.

Mammone, P.E. In the absence of Member Scott M. Steeves, the Chairman appointed Associate Member J.H. Rumpp, AICP to sit in his place. The public hearings for this meeting of the ZBA were duly advertised on in the *Dedham Times* in accordance with the requirements of G.L.c. 40A, § 11. The ZBA meeting notice was duly posted in accordance with the provisions of G.L.c. 39, § 23A, as amended.

At 7:40 p.m. on Wednesday, April 25, 2012, the Chairman called for the hearing on the petition of Nicholas Vecchio/Band Gig School of Music ("Applicant") to be allowed a waiver from the Town of Dedham Sign Code to locate his 32 square foot free standing sign with a four (4) foot front yard setback. The Applicant submitted the following materials to the Zoning Board of Appeals:

- Zoning Board of Appeals application, request for abutters list, and authorization form for publication in *The Dedham Times*
- Petition statement written by Nicholas Vecchio, Applicant
- Parking plan for property
- Photographs of proposed signage
- Specifications for proposed signage prepared by Instant Sign Center, 508 Boston Providence Turnpike, Norwood, MA

The one-and-one-half-page minutes from the hearing are incorporated herein by reference.

The Zoning Board of Appeals is authorized and empowered to grant relief or waivers from the provisions of the Dedham Sign Code pursuant to Section 11.c. of the Dedham Sign Code. This provision sets forth both procedural and substantive requirements for the grant of such waivers or relief. The Applicant indicates that it has satisfied these requirements.

The subject property is known and numbered as 66 Eastern Avenue and is shown on Dedham Assessors' Map 109, Lot 5. The Subject Property contains 7,875 square feet of land. According to the Dedham Zoning Map, the Subject Property is located in the Highway Business (HB) zoning district. Currently, the property is occupied by a music school. According to the records maintained by the Dedham Board of Assessors, the dwelling was constructed in 1953.

The Applicant stated that he went before the Design Review Advisory Board on several occasions, and received a letter of recommendation on March 13, 2012. The board reviewed the sign and its location, and gave unanimous approval. There had been a pre-existing free standing sign on the property from the last owner, but he wishes to increase the size to make his business more visible. As a result, he is asking for a four (4) foot front yard setback because it is difficult to find adequate frontage. He will illuminate the sign, but does not need Zoning Board of Appeals approval for this because the property is in the Highway Business district.

No one appeared before the Board to support or oppose the petition.

On a motion made by Mr. Maguire and seconded by Mr. Rumpp, the Zoning Board of Appeals voted unanimously (5-0) to grant the requested waiver from the provision of the Dedham Sign Code to allow a four (4) foot front yard setback. In granting the relief and waivers, the ZBA finds that (1) the Applicant has satisfied the procedural requirements set forth in the Dedham Sign Code, (2) the relief is recommended by the Design Review Advisory Board and that literal compliance with the provisions of the Sign Code is not practical or is unfeasible, and (3) the same may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Sign Code.

Dated:

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James F. McGrail, Esq.

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J. Gregory Jacobsen

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E. Patrick Maguire, LEED AP

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Jason L. Mammone, P.E.

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J.H. Rumpp, AICP